

### **REMARKS**

Applicant thanks Examiner Johnna Loftis for the courtesies extended to Applicant's representative, Dinh Nguyen, regarding the personal interview on April 16, 2008.

During the interview, Applicant's representative explained Applicant's invention, and the deficiencies of the prior art with respect to the claimed limitations. Thus, Applicant's representative argued against the rejections made in the Office Action dated October 31, 2007 by discussing all of the prior art of record with respect to all of the pending claims. Amendments to the claims were proposed. Other issues were discussed which are all reiterated herein.

Claims 1-23 are pending in the present application. By this Amendment, claims 1, 17, and 20 are amended. More particularly, claims 17 and 20 have been amended to recite that the developing of the recommended action item, the statistical analysis and the performing steps are electronically. Support for this amendment can be found throughout the entire disclosure and original claims. Additionally, claims 1, 17 and 20 have been amended to recite that the at least one of the at least one non-purchaser is other than the current potential buyer and past purchasers. Support for this amendment can also be found throughout the entire

disclosure and original claims. No new matter is added. Entry of these amendments are respectfully requested.

The Office Action rejects claims 1-8, 11-15, and 17-23 under 35 U.S.C. § 102(b) as being anticipated by Geerlings (U.S. Patent No. 5,956,693). The Office Action also rejects claims 9-10 under 35 U.S.C. § 103(a) as being obvious over Geerlings. The Office Action also rejects claim 16 under 35 U.S.C. § 103(a) as being obvious over Geerlings in view of Kramer et al. (U.S. Patent No. 6,327,574). The Office Action essentially repeats the previous rejections. Applicant respectfully traverses these rejections for the following reasons.

Applicant respectfully submits that claims 1-23 are patentable for at least the reasons explained in Applicant's August 7, 2007, Response After Final Rejection and Applicant's October 5, 2007 Amendment because there would have been no (obvious) reason for the teachings in the applied Geerlings patent to be modified to include client ticket sessions as defined in the present specification for non-purchasers, such as the complainers discussed in the February 8, 2007, Office Action. Applicant's arguments from those previous responses are incorporated herein. The Examiner's new arguments are addressed below.

Firstly, the present claims all require, *inter alia*, “statistically analyzing a collection of data representing historical interactions with a plurality of previous customers **including at least one non-purchaser**” (excerpt of claim 1, bold added) and that the non-purchaser is other than a current customer or a current potential buyer. Similar language to this limitation is included in the other independent claims (claims 17 and 20). The prior art of record does not teach, suggest, or mention anywhere this limitation. There is no obvious reason, based on the prior art of record to modify the reference(s) to include this limitation.

Geerlings discloses shopping activity or history that “includes (1) actions invoked by the customer, such as complaints, purchases or other transactions, (2) actions invoked by the merchant...”

However, Geerlings does not appear to teach, suggest or provide any obvious reason that the complainers are not purchasers, as would be required to meet the limitations of the present claims. If fact, a careful reading of Geerlings would suggest that Geerlings’ complainers are unhappy in some way with their purchase. Therefore, the complainers mentioned in Geerlings are purchasers instead of non-purchasers.

On page 2 of the instant Office Action, the Examiner referred to column 3, lines 9-40 (in the previous Office Action, the Examiner only referred to three lines

of this passage whereas in this Office Action, the Examiner expanded the citation to an entire paragraph). The Examiner then referred specifically to column 3, lines 30-34, and attempted to quote this passage in order to make the art rejection.

Applicant respectfully asserts that the Examiner misquoted column 3, lines 30-34. At page 2 of the Office Action, the text that the Examiner placed between the quotes excludes some of the actual text in Geerlings. In referring to Geerlings by asserting that Geerlings includes non-transactional information in the analyzation of historical interactions, the Examiner mis-quoted the passage at column 3, lines 30-34 as “group like people into segments which are defined to respond well to a specific marketing or relationship campaign designed to achieve certain marketing goals.”

However, the actual text in Geerlings is “group like people (customers) into segments (subsets) which are defined to respond well to a specific marketing or relationship campaign (i.e., merchant communications) designed to achieve certain marketing or relationship campaign (emphasis added wherein the underlined text are different from what the Examiner quoted).” Thus, not only has the Examiner added language to Geerlings’ text that does not exist, the Examiner has totally ignored the words in parenthesis, most importantly the word

“customer” which the “people” are referred to in this passage.

At page 2 of the Office Action, the Examiner attempted to rationalize that from these short passages, Geerlings teaches all of the limitations of the independent claims, namely, “wherein at least one of said at least one non-purchaser is other than said current customer” or “current potential buyer.”

Applicant respectfully asserts that nowhere does Geerlings teach collecting data from or performing method steps as recited in the claims which involve non-purchasers who are other than the current customer or current potential buyer. As indicated above, the specific passage that the Examiner refers to is pertinent to a customer, not to a non-purchaser.

A detailed review of the entire disclosure of Geerlings shows that these terms were also used and that there is not even one explicit or implicit reference to non-purchasers involved in Geerlings’ methods or systems. For example, the following terms which refer to current customers are discussed in Geerlings:

- 1) “shopping behavior” at column 1, line 47; column 2, line 7;
- 2) “shopping activity” or “shopping activities” at column 1, line 53; column 1, line 65-66; column 2, lines 5, 15 and 21-29 (which recites “specific shopping activities,” “purchase behavior,” “specific purchase made” and/or “specific shopping activity”);

- 3) “customers” at column 3, lines 18-20 and 30;
- 4) “purchase” at column 3, line 25;
- 5) “10th purchase” at column 5, lines 21-22; and
- 6) “last purchase date” at column 10, lines 66-67.

There are numerous other references to purchases or activities that resulted from purchases in Geerlings. See for example, column 4, lines 18-45; column 5, lines 6-56; column 6, lines 1-35; column 11, lines 1-19 and 45-62; and column 12, lines 47-55. The data that are collected in Geerlings are data that are obtained from the customer’s credit card obtained from purchases, such as address, gender, age, etc.

Additionally, in an effort to further prosecution, the claims have been amended to clarify that the non-purchaser is other than the current customer and past purchasers. Nowhere does Geerlings nor the combination of Geerlings and the secondary references cited by the Examiner, teach, suggest or mention anywhere that at least one of the at least one non-purchaser is other than the current potential buyer and past purchasers.

Finally, with respect to claims 21-23, the Examiner asserted that Geerlings teaches data obtained from ticket sessions. The Examiner referred to passages of Geerlings that refer to tracking of product category interest and information

pertaining to customer visits or communications. However, in the first paragraph of page 45, the instant specification describes that the client ticket session is a software-facilitated series of steps that if completed, track and facilitate a sales process from the beginning to the end. In the second paragraph of page 45, the specification further describes that a ticket session involves a qualified client contact which is an expression of interest in the purchase of a product. The passage referred to by the Examiner does not teach, suggest or provide an obvious reason to use a ticket session as defined by the instant disclosure.

With respect to the secondary reference cited by the Examiner, Kramer et al. is directed to hierarchical models of consumer attributes for targeting content in a privacy-preserving manner. Applicant asserts that Kramer et al. fails to teach or suggest statistically analyzing a collection of data representing historical interactions with a plurality of previous customers including at least one non-purchaser (especially where the claims now specifically make it clear that the non-purchaser is not a current customer/buyer or past purchasers/buyers) and thus fails to make up for the deficiencies in Geerlings.

Thus, Applicant respectfully submits that the cited prior art does not teach or suggest the claimed invention, that this application is in condition for allowance

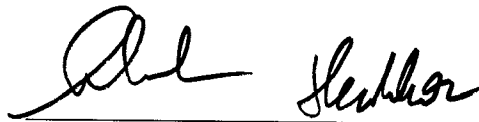
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Amendment  
P68364.A06

and early notice to this effect is respectfully requested.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

The Patent and Trademark Office is hereby authorized to charge any fees necessary to preserve the pendency of this application, or credit any overpayment to deposit account No. 50-2929, referencing Docket No. P68364.

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'Abraham HersHKovitz', written over a horizontal line.

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